

the Oklahoma City bombing and by Members of the other body, on both sides of the aisle, who support a similar bill pending in that body. The sponsors of the bill on the House side have agreed to these changes in order to improve the bill before it becomes law and to help ensure passage of the House bill in the other body. It is the hope of those of us on the House side that the other body will act on the House bill tomorrow, and that the President will sign the bill before he leaves for his trip to Helsinki tomorrow night.

The manager's amendment makes the following changes: First, language has been added to make it clear that the provisions of this bill are to control over any other statute, rule, or other provision of law. While I believe that the rules of statutory construction would have required courts to interpret the bill in this manner without this language, I have agreed to specifically state this in the bill so that there is no doubt as to the intent of the Congress.

Second, we have added a definition of "victim" to the bill by making reference to the definition of victim in the Victims' Rights and Restitution Act of 1990. Third, we have restructured the operative portion of the bill in order to make it easier to read, but without making any change in the result the bill will accomplish. We have also added subheadings to these new sections to help reinforce the fact that this bill will benefit both those persons who are allowed by existing law—18 United States Code section 3593(a)—to testify as to "the effect of the offense on the victim and the victim's family" and other factors during the sentencing hearing of a capital case, and those persons who are allowed by existing law—Federal Rules of Criminal Procedure 32(c)(3)(E)—to "make a statement or present any information in relation to the sentence" during the sentencing hearing of a noncapital case.

Additionally, we have added a provision to the bill to make it clear that once a victim or family members have attended a trial, that fact may not allow a judge to disqualify such individuals from exercising the rights that presently exist under the law to make statements during the sentencing hearing that takes place after a guilty verdict is returned.

Finally, we have amended the short title of the bill to the Victims' Rights Clarification Act of 1997 in order to make more clear the purpose of the bill.

Mr. Speaker, I believe that these amendments strengthen the bill that was favorably reported by the Judiciary Committee by voice vote, and will not change the result that was intended by the bill as it was introduced. I want to again note that these changes are made at the request of victims' groups and the supporters of a similar bill in the other body. And I want to note that the changes have been agreed to by the two other sponsors of this bill—Mr. SCHUMER and Mr. LUCAS.

Mr. Speaker, I reserve the balance of my time.

Mr. WEXLER. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. DELAHUNT].

Mr. DELAHUNT. Mr. Speaker, I rise in opposition to the bill. From the extraordinary dispatch with which this measure has been rushed, one might suppose it to be an uncontroversial piece of consensus legislation. We marked it up in the Committee on the

Judiciary without so much as a hearing, and now it is being considered under suspension of the rules. Not only that, but this morning I was informed that the text that the House would be considering is a Senate version of that which never came before our committee at all.

What is the reason for such haste? And the proponents are quite honest about their intentions. They want the bill to become law in time to apply to a pending case, the Oklahoma City bombing case, because they wish to overturn a pretrial ruling made by the trial judge. The ruling that should be noted, and my friend from Virginia alluded to that, was affirmed by the 10th Circuit Court of Appeals. Now I do not necessarily dispute the merits of the bill as to future cases, but we have not had a sufficient time nor opportunity to properly evaluate this proposal's merits. However, I oppose the bill because I believe its efforts to influence a case now before the court strikes at the integrity of the judicial process and threatens the separation of powers doctrine on which our constitutional system is in fact based.

Congress should not be changing the rules in the middle of a trial; yet this is the second time that Congress has sought to create a special rule to govern this particular case.

Now I share the deep sympathy of every Member of this Chamber for the victims of the Oklahoma tragedy and their family. But we have a system in this country that, however imperfect, is still the best means yet devised for reaching a just result. We can all cite judicial decisions of which we personally disapprove, but there is nothing that qualifies us sitting in this House to substitute our judgment for that of the presiding judge. It is one thing for us to change the rules prospectively, but to interject ourselves into an ongoing trial is a dangerous and possibly unconstitutional assault on the judicial process itself.

Perhaps it is not surprising that we should be considering such a measure, given recent comments that we should consider impeaching judges who render unpopular decisions. Such talk should be deeply troubling to everyone who values the rule of law and this bill should be no less so. The irony is that our intervention may ultimately do far more harm than benefit. Judges are there to see that the trial is fair and impartial. This is just as important to those seeking a conviction as to those who seek an acquittal.

As a former district attorney, I know it does no good to secure a guilty verdict that is vulnerable to reversal on appeal. Defense attorneys have already announced their intention to challenge congressional action in this case. Whether or not their challenge succeeds, why would we go out of our way to increase the Government's burden and put a possible guilty verdict at risk?

While I am sure that this legislation is genuinely well intentioned, the pro-

ponents may ultimately do a disservice to the very victims to whom they purport to give voice. It would be truly unfortunate were our actions to create the possibility of a retrial, further compounding the terrible trauma suffered by both the victims and their families.

So let us think again, Mr. Speaker, before we take a step we may come to regret.

Mr. WEXLER. Mr. Speaker, I yield back the remainder of my time.

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume, and I do not intend to consume much, Mr. Speaker.

Mr. Speaker, I just want to point out to the gentleman from Massachusetts that I respect his views. I know he has had a prosecutorial background that in my judgment and I think in all the judgment of all of these attorneys general to support this bill there is no real risk at all in this, and the only conceivable way if any court were to return a decision based upon what we are doing today, the only conceivable effect would be on the sentencing phase, not on the actual fact determination of guilt or innocence.

But in any event I do not believe, nor do any of the experts I have consulted, that this matter would in any way or could in any way affect the outcome or the possibility of having to have a retrial or be successful in any motion to contest a pending trial where the new law comes into play.

In any event, Mr. Speaker, I encourage a "yes" favorable vote on this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CAMP). The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 924, as amended.

The question was taken.

Mr. MCCOLLUM. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### UNITED STATES MARSHALS SERVICE IMPROVEMENT ACT OF 1997

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 927) to amend title 28, United States Code, to provide for appointment of U.S. marshals by the Attorney General.

The Clerk read as follows:

H.R. 927

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Marshals Service Improvement Act of 1997".

**SEC. 2. APPOINTMENTS OF MARSHALS.**

(a) IN GENERAL.—Chapter 37 of title 28, United States Code, is amended—

(1) in section 561(c)—

(A) by striking “The President shall appoint, by and with the advice and consent of the Senate,” and inserting “The Attorney General shall appoint”; and

(B) by inserting “United States marshals shall be appointed subject to the provisions of title 5 governing appointments in the competitive civil service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and pay rates.” after the first sentence;

(2) by striking subsection (d) of section 561; (3) by redesignating subsections (e), (f), (g), (h), and (i) of section 561 as subsections (d), (e), (f), (g), and (h), respectively; and

(4) by striking section 562.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 37 of title 28, United States Code, is amended by striking the item relating to section 562.

**SEC. 3. TRANSITIONAL PROVISIONS: PRESIDENTIAL APPOINTMENT OF CERTAIN UNITED STATES MARSHALS.**

(a) INCUMBENT MARSHALS.—Notwithstanding the amendments made by this Act, each marshal appointed under chapter 37 of title 28, United States Code, before the date of the enactment of this Act shall, unless that marshal resigns or is removed by the President, continue to perform the duties of that office until the expiration of that marshal's term and the appointment of a successor.

(b) VACANCIES AFTER ENACTMENT.—Notwithstanding the amendments made by this Act, with respect to the first vacancy which occurs in the office of United States marshal in any district, during the period beginning on the date of the enactment of this Act and ending on December 31, 1999, the President shall appoint, by and with the advice and consent of the Senate, a marshal to fill that vacancy for a term of 4 years. Any marshal appointed by the President under this subsection shall, unless that marshal resigns or is removed from office by the President, continue to perform the duties of that office after the end of the four-year term to which such marshal was appointed or until a successor is appointed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Florida [Mr. WEXLER] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

(Mr. MCCOLLUM asked and was given permission to revise and extend his remarks.)

**GENERAL LEAVE**

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, founded in 1789, the United States Marshals Service is the Nation's oldest Federal law enforcement agency. The Marshals Service is charged with many significant and difficult law enforcement responsibilities, many of which the average citizen is not even aware. For example, it is the

U.S. Marshals Service, not the FBI or other Federal agencies, which successfully runs the witness security program, a program more important now than ever in the battle against retaliatory gang murders.

Since its inception in 1971, more than 6,600 witnesses, and this number does not include family members, have been protected and relocated by the Marshals Service under the witness security program. The Marshals Service is very proud of its record, Mr. Speaker, because they have never lost a Federal witness who remained in the program and followed the rules. Other critical Marshals Service duties include protection of the Federal judiciary, apprehension of Federal fugitives, management of seized and forfeited assets, and transportation of Federal prisoners.

The U.S. Marshals Service and U.S. marshals are currently appointed by the President with the advice and consent of the Senate. There is no criteria for the selection of U.S. marshals; neither managerial nor law enforcement experience is necessary.

H.R. 927, the United States Marshals Service Improvement Act, would change the selection process of the Nation's 94 U.S. marshals to appointment by the Attorney General. This bill would depoliticize the U.S. Marshals Service by requiring that U.S. marshals be selected on a competitive basis from among the career managers within the Marshals Service rather than being nominated by the administration and approved by the Senate.

Under this legislation, incumbent U.S. marshals would continue to perform duties of their office until their terms expire, unless they resigned or were removed by the President. Marshals selected between the date of enactment of the bill on December 31, 1999 will also be appointed by the President with the advice and consent of the Senate and will serve for 4 years.

Unlike all other Marshals Service employees, the presidentially appointed marshal is not subject to disciplinary actions, cannot be reassigned, and can only be removed by the President or upon appointment of a successor. This lack of accountability has resulted in numerous problems, including budgetary irresponsibility among individual marshals. Moreover, many U.S. marshals lack experience in Federal law enforcement. This inexperience, coupled with an unfamiliarity of the very demands of the Marshals Service necessitates a glut of middle managers to assist the U.S. marshals.

Chief deputy U.S. marshals, the career managers within the Marshals Service, provide the requisite leadership in the offices. They in turn are assisted by supervisory deputy U.S. marshals.

H.R. 927 would professionalize the Marshals Service by insuring that only knowledgeable career personnel would become marshals; thus there would no longer be a need for a surplus of middle managers and Federal dollars would be

saved. In fact, the Congressional Budget Office estimates that once fully implemented, this bill would save approximately \$3 million a year.

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Mr. Speaker, I believe that H.R. 927 is a commonsense approach to professionalizing the U.S. Marshals Service. This identical bill was passed overwhelmingly in the 104th Congress by the U.S. House on May 1, 1996.

This legislation is a priority of the Federal Law Enforcement Officers Association and is supported by the Fraternal Order of Police. This bill is a small but important step in this committee's ongoing efforts to improve the administration of Federal law enforcement, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. WEXLER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the purpose of this bill is to make the post of the U.S. marshal a professional position rather than a political appointment. Currently, marshals are typically designated by the Senators of the respective States. Under this bill, they would instead be appointed by the Director of the Marshals Service.

This bill was originally proposed by the President as part of his reinventing Government initiative. It is supported by the Federal Law Enforcement Officers Association because they believe it will improve the Marshals Service. I agree with them, and I urge support of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CAMP). The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 927.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

**TECHNICAL AMENDMENTS TO COPYRIGHT LAWS**

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 672) to make technical amendments to certain provisions of title 17, United States Code, as amended.

The Clerk read as follows:

H.R. 672

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. TECHNICAL CORRECTIONS TO THE SATELLITE HOME VIEWER ACT OF 1994.**

The Satellite Home Viewer Act of 1994 (Public Law 103-369) is amended as follows:

(1) Section 2(3)(A) is amended to read as follows: